



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Clifford B. Jones, President
Texas Technological College
Lubbock, Texas

Dear Sir:

Opinion No. O-4280
Re: Payment of single poultryman
for his services out of Item
No. 14 of Texas Technological
College Appropriation, instead
of employing four students to
look after poultry flocks.

Your letter of the 19th instant requests the opinion of this department upon the question whether out of Item 14 of your appropriation for the current biennium you may hire a single "poultryman" who is not a student instead of hiring four students.

Item 14 of your appropriation reads:

"Poultryman (4 students - 12 months). . .
. . . \$960.00."

The function of a parenthetical expression is to insert words of explanation or limitation into a sentence which is grammatically complete without them. In the absence of the parenthetical expression above noted, the appropriation obviously would authorize the employment of a single poultryman (and only one) to be paid out of that item. The question here is whether the parenthetical expression was intended by the Legislature to make it mandatory upon the governing body of your institution to hire four student poultrymen and pay them out of this appropriation.

We are of the opinion that the parenthetical expression was not so intended, but was, rather, intended to confer authority upon the governing board of the college, in its discretion, to employ four students and pay them out of the item rather than a single poultryman, if, in the discretion of the board, it should be thought advisable. We regard it as significant that the Legislature used the singular "poultryman" rather than the plural "poultrymen," in this item. In other items followed by parenthetical expressions in the educational appropriation bill, where the intent of the Legislature is clearly to require the breaking down of the item into parts, the plural is uniformly used,

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followed by a numeral in parenthesis to indicate the number of positions embraced in the plural designation, i. e.: University of Texas appropriation, Item 16, "Research assistants (4)," Item 18 "Statistical clerks (3)," Item 42 "Research technologists (2)."

The use of the singular "poultryman" in this item must be deemed to be intentional and some meaning attributed to it, if possible. The only explanation which occurs to us is that stated above - that the word "poultryman" was intended to authorize the hiring of a single individual to do the work, and the parenthetical "four students" was intended as an alternate authority to break the item down into four parts for the employment of four students, instead of the single individual. Such construction gives meaning to both the singular "poultryman" and the parenthetical "four students," and does not attribute controlling effect to either. It is likewise consistent with the legislative policy of committing to the managing boards of the respective educational institutions a discretion to operate the institutions in such manner as to insure the maximum of efficiency and economy.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By R. W. FAIRCHILD (Signed)
Assistant

RWF:ej

APPROVED JAN. 2, 1942

(Signed) GERALD C. MANN
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE

By B.W.B.
Chairman